

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1473-01  
Bill No.: HB 927  
Subject: Courts; Fees; Jackson County; Boards, Commissions, Committees, Councils  
Type: Original  
Date: April 26, 2011

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Bill Summary: This proposal creates a surcharge of up to six percent in criminal cases for the construction and operation of multi-jurisdictional detention facilities if authorized by a city or county.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Local Government</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume the proposal would not create a fiscal impact upon their agency.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would allow a surcharge of up to six percent in criminal cases for the construction and operation of multi-jurisdictional detention facilities if authorized by a city or county.

For example, in FY '10 for Jackson County, \$7,079,592 in costs were assessed and \$764,378 of that amount was collected. Based on a projected six percent surcharge, CTS anticipates \$424,776 will be assessed and \$45,863 will be collected annually for Circuit 16.

**Oversight** does not have information regarding the amount of costs assessed and collected in each of the other judicial circuits. Also, Oversight does not know what county governments or municipal governments have authorized such a surcharge, or how much in revenue could be collected through the local courts. Therefore, Oversight will assume an unknown amount of revenue will be collected and distributed to counties and municipalities.

Officials from the cities of **Columbia, Independence, Kansas City, Lee's Summit**, and **Springfield** as well as the counties of **Clay, Jackson, and Pulaski** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2012  
(10 Mo.)

FY 2013

FY 2014

**LOCAL POLITICAL SUBDIVISIONS**

Income - to counties and municipalities

Surcharge of up to 6% in criminal cases  
for the construction and operation of  
detention facilities

Unknown

Unknown

Unknown

**ESTIMATED NET EFFECT TO  
LOCAL POLITICAL SUBDIVISIONS**

Unknown

Unknown

Unknown

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill requires any court in the state, including municipal and circuit courts, to assess a surcharge of up to 6% in each court proceeding filed in a criminal case if authorized by the municipal or county government where the violation occurred. No surcharge may be collected when the defendant or the proceeding has been dismissed by the court or when the costs are to be paid by the state, county, or municipality.

The surcharges collected must be disbursed at least monthly to the city or county and used solely to pay for the construction and operation of a multi-jurisdictional detention facility.

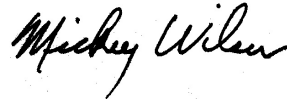
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Corrections

NOT RESPONDING:

Columbia  
Independence  
Kansas City  
Lee's Summit  
Springfield  
Clay County  
Jackson County  
Pulaski County

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
April 26, 2011